

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 006420.00004)RECEIVED  
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MAY 19 2006

In the Application of:

Dharmadhikari, et al.

Serial No.: 10/526,285

Filed: March 2, 2005

For: Pharmaceutical Composition of Metaxalone  
With Enhanced Oral Bioavailability

Group Art Unit: 1614

Examiner: Graffeo, Michael

Confirmation No.: 4683

## SUBMISSION OF JOINT DECLARATION FOR PATENT APPLICATION

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Due to what Applicants believe was an inadvertent error by the Patent Office, a Notice of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EQ/US) was not mailed to Applicants regarding an executed Declaration. In order to make the record complete, Applicants hereby submit the enclosed executed Joint Declaration for Patent Application.

The Commissioner is authorized to debit the \$130.00 late filing surcharge fee from our Deposit Account No. 19-0733. The examiner is also authorized to charge any additional fees or credit any over payments to deposit account 19-0733 in connection with this filing.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: May 19, 2006

By:

  
Robert H. Resis  
Reg. No. 32,168

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Attorney Docket No. 006420.00004

**JOINT DECLARATION FOR PATENT APPLICATION**

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names;

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **PHARMACEUTICAL COMPOSITION OF METAXALONE WITH ENHANCED ORAL BIOAVAILABILITY**, the specification of which was filed on March 2, 2003 as Application Serial Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

**Prior Foreign Application(s)**

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119
India	790/MUM/2002	02-09-2002		X
PCT	PCT/IN03/000294	02-09-2003		X

**Prior United States Provisional Application(s)**

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)

**Prior United States Application(s)**

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Attorney Docket No. 006420.00004

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.  
Customer Number: 22908

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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